

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

Frank L. Snider, III,)	
)	
Plaintiff,)	
)	
v.)	No. 1:10-cv-100 CEJ
)	
City of Cape Girardeau, Missouri, et al.,)	
)	
Defendants,)	
)	
State of Missouri,)	
)	
Intervenor-Defendant.)	
)	

PLAINTIFF'S MOTION FOR PERMANENT INJUNCTION

Come now Plaintiff and moves this Court for entry of a permanent injunction. In support, Plaintiff states:

1. In this action Plaintiff seeks a determination, *inter alia.*, that MO. REV. STAT. § 578.095 is facially unconstitutional.
2. On April 21, 2011, State of Missouri moved to intervene as a defendant in this matter as to Count I of the second amended complaint. (Doc. # 58).
3. On June 3, 2011, this Court granted State of Missouri's request for intervention. (Doc. # 61).
4. MO. REV. STAT. § 578.095 is facially unconstitutional, yet Intervenor-Defendant State of Missouri continues to enforce, and threaten to enforce the statute.
5. For the reasons set forth in the memorandum in support filed herewith, Plaintiff is entitled to a permanent injunction.

Wherefore Plaintiff respectfully requests this Court enter a permanent injunction prohibiting Intervenor-Defendant State of Missouri, including its political subdivisions, their officers, agents, servants, employees, attorneys, and all persons acting in concert with them, or in connection with them, from enforcing or threatening to enforce § 578.095.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
OF EASTERN MISSOURI

/s/ Anthony E. Rothert

ANTHONY E. ROTHERT, #44827MO

GRANT R. DOTY, #60788MO

454 Whittier Street

St. Louis, Missouri 63108

PHONE: (314) 652-3114

FAX: (314) 652-3112

tony@aclu-em.org

grant@aclu-em.org

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available to all electronic filing participants:

/s/ Anthony E. Rothert